

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 313 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 753, as introduced, Padilla. Pupils: English learners: assessment.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils upon initial enrollment in order to determine the level of proficiency of those pupils and thereafter to assess each of those pupils annually until the pupil is redesignated as English proficient. The assessment primarily consists of the administration of the California English Language Development Test (CELDT) that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking.

This bill would require the annual assessment to be conducted during a 3-month test period commencing with the day upon which 65% of the instructional year is completed. The bill would require the State Department of Education to provide the score a pupil achieves on the CELDT to the parent or guardian of the pupil in English and, if available, in the language reported on the home language survey. The bill would require that the score be provided in a format that utilizes terminology that is easy to understand and includes an explanation of the purpose of the test, the pupil's score, and the intended use of that score by the school district.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313 of the Education Code is amended
2 to read:

3 313. (a) Each school district that has one or more pupils who
4 are English learners shall assess ~~each pupil's~~ *the* English language
5 development *of each pupil* in order to determine the level of
6 proficiency for the purposes of this chapter.

7 (b) ~~The State Department of Education department,~~ with the
8 approval of the ~~State Board of Education state board,~~ shall
9 establish procedures for conducting the assessment required
10 pursuant to subdivision (a) and for the reclassification of a pupil
11 from English learner to ~~proficient in English language proficient.~~

12 (c) ~~Commencing with the 2000-01 school year, the~~ *The*
13 assessment shall be conducted upon initial enrollment; and
14 annually; thereafter; during a ~~period of time determined by the~~
15 ~~Superintendent of Public Instruction and the State Board of~~
16 ~~Education. The annual three-month test period commencing with~~
17 ~~the day upon which 65 percent of the instructional year is~~
18 ~~completed. Annual~~ assessments shall continue until the pupil is
19 redesignated as English proficient. The assessment ~~shall~~ primarily
20 ~~shall~~ utilize the English language development test identified or
21 developed by the Superintendent of Public Instruction pursuant to
22 Chapter 7 (commencing with Section 60810) of Part 33 *of Division*
23 *4 of Title 2.* ~~Prior to completion of the English language~~
24 ~~development test, a school district shall use either an assessment~~
25 ~~instrument developed by the school district or an assessment~~
26 ~~recommended by the State Department of Education. The~~
27 ~~department shall provide the score a pupil achieves on the English~~
28 ~~language development test to the parent or guardian of the pupil~~
29 ~~in English and, if available, in the language reported on the home~~
30 ~~language survey. The score shall be provided in a format that~~
31 ~~utilizes terminology that is easy to understand and includes an~~
32 ~~explanation of the purpose of the test, the pupil's score, and the~~
33 ~~intended use of that score by the school district.~~

34 (d) The reclassification procedures developed by the ~~State~~
35 ~~Department of Education department~~ shall utilize multiple criteria
36 in determining whether to reclassify a pupil as proficient in English,
37 including, but not limited to, all of the following:

1 (1) Assessment of language proficiency using an objective
2 assessment instrument, including, but not limited to, the English
3 language development test *that is developed or acquired* pursuant
4 to Section 60810.

5 (2) Teacher evaluation, including, but not limited to, a review
6 of the pupil's curriculum mastery.

7 (3) Parental opinion and consultation.

8 (4) Comparison of the ~~pupil's~~ performance *of the pupil* in basic
9 skills against an empirically established range of performance in
10 basic skills based upon the performance of English proficient pupils
11 of the same age, that demonstrates whether the pupil is sufficiently
12 proficient in English to participate effectively in a curriculum
13 designed for pupils of the same age whose native language is
14 English.

15 (e) ~~It is the intent of the Legislature that nothing in this section~~
16 *This section does not* preclude a school district or county office of
17 education from testing English-language learners more than once
18 in a school year if the school district or county office of education
19 chooses to do so.